

Testimony of the Honorable Melissa L. Bean
U.S. Representative (IL-08)

Hearing Entitled: “Use of Robo-Calls in Federal Campaigns”

December 6, 2007

Thank you Chairwoman Lofgren, Ranking Member McCarthy, and Members of the Subcommittee for holding today's hearing on Robo-Calls.

I am Melissa Bean and I have the honor to represent the Eighth Congressional District of Illinois. In 2006, I was reelected in a highly targeted and expensive race in the northwest suburbs of Chicago.

The topic of today's hearing is one I am personally familiar with. Although robo calls or pre-recorded telephone messages can be a useful method in communicating with constituents and voters, unfortunately, they can be used to deceive and confuse those voters, or, even worse, deliberately suppress voter participation.

In October and November 2006, the National Republican Congressional Committee (NRCC) spent over \$60,000 in Independent Expenditure money to place over one million robo calls in my district.

The calls all followed the same basic format that started off by saying in an upbeat voice:

"Hello, I'm calling with information about Melissa Bean" and then a deliberate pause.

Most voters assumed the call was sponsored by my campaign. Because these calls were sometimes received very late, very early, or on their cell phones, people were annoyed, frustrated, and hung up the phone before listening to the entire message.

For those who stayed on the line, they would have heard a standard negative attack such as this call:

"...As Congresswoman, Melissa Bean opposed legislation X. Melissa Bean is wrong for Illinois..."

After hearing the negative attack, they realize the robo-call that initially appeared to be in support of my campaign was actually in opposition. However, it was not until the end of the call and usually in a different, hurried voice did the voter hear who was really responsible for the call.

"This call was paid for by the National Republican Congressional Committee and not authorized by any candidate or candidate's committee. [www dot nrcc dot org](http://www.nrcc.org)."

It is my understanding, that of the people who answer the phone for robo-calls, roughly 25 percent hang up right away, 25 percent hang up halfway through the call, 25 percent hang up between halfway and the end, and only 25 percent who answer stay on through the end of the call. The drop off rate increases when voters receive the same call over and over.

By that logic, 50 percent of individuals who received the call believe it was on behalf of my campaign, another 25 percent were unsure, and only 25 percent listened to the end to learn it was an opposition call.

As you can imagine, these calls infuriated voters. After receiving several robo-calls a day all they would listen to was “Hello, I’m calling with information about Melissa Bean.”

Countless voters who contacted my office or spoke to me directly at campaign stops threatened to vote against me if “I” didn’t stop calling them with robo-calls. One voter who was interviewed by a local newspaper in my district received 21 of the same robo-calls in one week. They would explain how the calls woke up their babies, interrupted their dinner, kept leaving them messages on their cell phones, were received late at night, or forced them to run to grab the phone and all they would hear is “Hello, I am calling with information about Melissa Bean” for the second, third, fourth time that day.

These voters were deceived into believing the calls were from my campaign.

My campaign and I would explain that the calls were not generated by my office, but in fact they were generated by the NRCC who was using the calls to attack my record. Since most of the voters who complained didn’t listen to the whole message, it was often difficult to convince them. And you have to imagine for every voter who contacted the campaign that we were able to explain what was happening, many more were so furious with my campaign and the process that they were discouraged from voting or possibly persuaded to vote for another candidate.

In order to respond effectively to these misleading calls, my campaign was forced to shift resources and change strategy. Instead of using the last few weeks of the campaign to discuss my position on issues, volunteers and staff spent hours each day contacting voters desperately trying to explain to them that the countless robo-calls they were receiving were not authorized or in support of my campaign. We printed thousands of flyers with information on the calls instead of information on my candidacy. And instead of using one of a few pre-recorded messages my campaign authorized with President Bill Clinton urging Democrats to get to the polls and vote, we had President Clinton rerecord his message explaining the misleading robo-calls voters had been receiving.

Unfortunately for voters across the country, this intentional deception was not an isolated case. According to the Associated Press, the NRCC ran similar types of robo-calls in 53 competitive House districts during the 2006 election. Most of the calls were generated by the same communications firm and followed the same format, “Hello, I am calling with information about blank Democratic candidate.”

The press reported that voters would receive several calls in the middle of the night and on their cell phones. Even after calling the NRCC and asking to be removed from the list, the calls continued.

As I mentioned at the opening of my testimony, robo-calls can be helpful for candidates to legitimately contact voters with information regarding their positions. However,

during the 2006 election cycle, voters in the Eighth District of Illinois were subject to abusive robo calls that were intended to deceive and disenfranchise voters.

I understand that several pieces of legislation have been introduced to address abusive and deceptive use of robo-calls including the Chair's bill, *The Quelling of Unwanted Intrusive and Excessive Telephone Calls Act*.

However, first and foremost, current FCC laws must be enforced. The calls my constituents received may have been in violation of current law.

Beyond enforcing current laws, I would recommend legislation that:

- 1.) Prohibits repeating the same message several times a day
- 2.) Limits the hours within which robo-calls can be received.
- 3.) Prohibits misleading messages that confuse callers about who is making the call.
- 4.) Clearly notifies voters at the beginning of a robo-call who sponsored the pre-recorded message.

The 2002 Campaign Finance Reform Act forced candidates to stand by their ad. That applies to commercials, mail pieces, print and internet advertising, and robo-calls. The robo-calls received by voters in my district and other competitive districts did not follow the spirit of that law and may have violated the letter of the law in some instances. We have a responsibility to make sure all campaign media follows the spirit and the letter of the law.

While the press did cover the deception of these calls in my district and elsewhere, only a portion of those who were victimized would have seen the press. Undoubtedly there were voters who were discouraged and stayed home on Election Day while others who may have wrongfully punished candidates for calls they did not make. Our democracy should seek an open and transparent process so candidates can stand on the power of their ideas. Our process should disallow deceptive campaign practice that undermines those campaign principals.

Once again, thank you for holding today's hearing. I am happy to answer any questions you may have.

***DECEPTIVE, HARASSING AUTOMATED PHONE CALLS ARE
NOT FROM CONGRESSWOMAN MELISSA BEAN***

Learn Who's Making Them And How To Stop Them

Residents in Illinois' 8th Congressional District are being harassed with automated phone calls – “robo calls” -- designed to trick voters into thinking they are from Congresswoman Melissa Bean's campaign.

Don't be fooled! The Republican Party – Congresswoman Bean's *opponents* – have spent over \$60,000 for millions of calls on behalf of David McSweeney. Dialing over and over again, the calls *deliberately* seem as if they come from Melissa Bean's congressional campaign. This national Republican committee also is using this tactic in Illinois' 6th District and in highly-competitive campaigns throughout the country: from Idaho to Florida, Connecticut to California.

PIONEER PRESS online

“It plays on the fact that people hate these calls and makes them think it's us and not them.”

... She got the call again and again and 18 more times, making for a total of about 21 calls since October 24. – 11/2/06



People who hang up immediately are being tricked into thinking that Bean's campaign is behind the calls, Bean spokesman Brian Herman said. “It's not just telemarketing – it's a voter-suppression effort ... They're trying to make people think we're calling them, and calling them so many times that they're just annoyed...” – 11/1/06



“I think the real point here is that the Republicans are using a desperate campaign tactic that is misleading, at worst violating the law and at best is a page out of Karl Rove's playbook ... They clearly are attempting to mislead voters.” – 11/1/2006

THE WALL STREET JOURNAL

“...Republican operatives send automated middle-of-the-night phone calls naming Democratic candidates to alienate voters...” – 11/3/2006

The National Republican Congressional Committee is paying for these calls! To remove your name from their lists and demand that they halt this deceptive and annoying practice, call the NRCC at (202) 479-7000.

Paid for by Melissa Bean for Congress. Printed In-House.

Press Stories about Robo-calls

BarringtonCourier-Review

BarringtonCourier-Review.com Member of the Sun-Times News Group

'Robocalls' are latest in negative campaigning

(<http://www.pioneerlocal.com/barrington/news/120568,ba-chrobocalls68-110206-s1.article>)

November 1, 2006

By PATRICK CORCORAN Staff Writer

Rozanne Ronen, a Barrington resident, got the call -- "Hi. I'm calling with information about Melissa Bean ..."

Then she got the call again and again and 18 more times, making for a total of about 21 calls since October 24.

"They are very annoying," Ronen said.

Pat Vockeroth, of Mount Prospect, received the calls too -- "Hi. I'm calling with information about Tammy Duckworth ..."

"If you only listen to the first sentence, you think they are from the Duckworth campaign," she said.

But the calls aren't paid for by Bean, Duckworth or even the Democratic Congressional Campaign Committee, they are paid for by the National Republican Congressional Committee.

Brian Herman, a spokesman for U.S. Rep. Melissa Bean, D-8th, said the calls are a campaign trick meant to kill the Democrat vote on Nov. 7.

"Voters ought to make their decision based on merit and facts, but this about suppressing the vote," he said.

After the introduction, the calls touch on one of several topics, such as immigration or the fact that Bean or Duckworth lives outside the 8th and 6th districts.

Herman said the Bean campaign doesn't use these kinds of tactics.

"We don't use technology to harass voters," he said.

Christine Glunz, a Duckworth spokesman, said the harassment inhibits the campaign's ability to contact voters legitimately.

"Now when we call ... for volunteers or knock on doors, people think we've already made a dozen attempts to contact them. It plays on the fact that people hate these calls and makes them think it's us and not them," she said.

Both campaigns have received dozens of complaints.

Jonathan Collegio, NRCC spokesman, acknowledged that the NRCC has paid for series of robocalls in the 6th and 8th districts, saying phone banking are part of any modern campaign.

"Phone banking is used by campaigns of all stripes and all these calls are made between 9 a.m. and 8 p.m.," he said.

Asked about the repetitive nature of the calls, Collegio said that may be a problem with the contractor.

"Because these calls are done by computers, it could be some kind of a glitch. This is all a matter of voter contact where we are trying to make sure people are aware of the upcoming election and make sure they vote the right way," he said.

Ronen isn't so sure.

"I don't buy that," she said. "The calls seem to be very well planned and I consider it a kind of harassment."

Ronen and Vockeroth, both of whom are supporters of the Democratic Congressional candidates said this type of negative advertising may affect some voters.

"It looks like they are going after a narrow group of voters, trying to sway them before the election," Ronen said.

"I'm savvy because I'm following the campaign, but on other people, this kind of thing might work," Vockeroth said.

According to filings with the Federal Election Commission, the NRCC contracted with Conquest Communications Group, of Richmond, Va., to perform the current batch of robocalls, paying the company a total of \$50,000 between Oct. 6 and 30 to call voters in the 8th district.

A Conquest employee said the company is currently providing pre-election phone banking services for candidates, including ones in Illinois, but couldn't confirm it is responsible for the "Hi, I'm calling with information about ..." calls to voters in the 6th and 8th district.

Bean is running for re-election against Wheaton investment banker David McSweeney. Duckworth is running against GOP Congressional candidate and state Sen. Peter Roskam.

Voters can be removed from NRCC call lists by calling (202) 479-7000.



Robo-calls' peeve Dems

By KEVIN P. CRAVER - kcraver@nwherald.com

November 1, 2006

With the election a week away, Barbara Tipton of McHenry comes home to about three or four messages on her answering machine sent by another machine.

The "robo-calls" from the National Republican Congressional Committee oppose incumbent Democrat Melissa Bean, who Tipton plans to vote for. Although Tipton considers the calls a pain, Democrats consider them a ploy to drive voters from the ballot box.

"My delete button on my answering machine is fairly worn out at this point," Tipton said. "I think this a deceptive program to undermine Melissa Bean in a way other than her stand on the issues."

Bean, of Barrington, is running for a second term in the traditionally Republican-leaning district against GOP challenger David McSweeney and Moderate Party challenger Bill Scheurer.

And while the Democratic Party is accusing the GOP of election-eve dirty tricks, Scheurer is accusing Democrats of the same related to a mailer that falsely claims Republicans are funneling hundreds of thousands into his campaign to siphon votes from Bean.

The first sentence of several of the pre-recorded 30-second messages states that the caller is "calling with information about Melissa Bean," and follows with criticism.

But people who hang up immediately are being tricked into thinking that Bean's campaign is behind the calls, Bean spokesman Brian Herman said.

"It's not just telemarketing – it's a voter-suppression effort," Herman said.

“They’re trying to make people think we’re calling them, and calling them so many times that they’re just annoyed,” Herman said.

The GOP committee has spent about \$6,800 in the past week on calls to the 8th district, according to Federal Election Commission filings. Each call typically costs between 5 and 7 cents.

Republican spokesman Jonathan Collegio said the calls are an important campaign tool, and that they clearly state at the end who is paying for the call.

“Phone banks and automated calling are an integral part of any modern campaign. They’re used in virtually all contested House races nationwide,” Collegio said. “If there’s a glitch in the technology, the calls could be irregular, but that’s much more of an exception than a rule.”

Herman said his office has received hundreds of phone calls from angry voters thinking that Bean’s campaign is behind the calls. Such confusion is happening in other close races, said Democratic Congressional Campaign Committee spokeswoman Jenn Psaki.

Psaki could not speak for other special interest groups, but said that the national committee has only paid for robo-calls in one House district.

“The fact is, they are not coming from the Melissa Bean campaign,” Psaki said. “This is going on in at least seven or eight districts that we know of, maybe more.”

Scheurer is only concerned with one district, and the third-party candidate is accusing Democrats of lying in a mailer paid for by their campaign committee.

The mailer accuses Republicans of “propp[ing] up a party-switcher like Bill Scheurer with hundreds of thousands of dollars” to beat Bean. Scheurer’s one-man Moderate Party candidacy has only collected about \$50,000, according to FEC reports, mostly from labor unions and none of it from Republicans. Other donors work for such liberal groups as World Can’t Wait and Public Citizen.

Scheurer, who ran against Bean in the 2004 primary, said he found it amusing that he was being portrayed as a Republican ploy.

“It’s a lie and it’s silly. I wish it was true, because if we had even that amount of money, we could win in a landslide,” Scheurer said. Psaki declined comment on the mailer.

How do you like those nasty telephone calls from the campaigns?



Associated Press

The Honorable Melissa L. Bean
Testimony – December 6, 2007
Subcommittee on Elections

November 1 2006

WASHINGTON -- Press one if you think they're dirty tricks. Press two if you think prerecorded telephone messages are devastatingly effective, especially during the final days of a close campaign.

In at least 53 competitive House races, the National Republican Campaign Committee has launched hundreds of thousands of automated telephone calls, known as "robo calls."

Such calls have sparked a handful of complaints to the FCC and underscore the usefulness of the inexpensive - and sometimes overwhelming - political tool.

"As much as people complain about getting automated calls and saying they don't work, every politician is doing them," said Jerry Dorchuck, whose Pennsylvania-based Political Marketing International will make about 200,000 such phone calls each hour for mostly Democratic candidates. "Targeted calls play a key in very close races."

They can single out single women, absentee voters, independents and party faithful with tailored messages, but they also can frustrate voters. Sometimes, the latter is their goal.

Bruce Jacobson, a software engineer from Ardmore, Pa., received three prerecorded messages in four hours. Each began, "Hello, I'm calling with information about Lois Murphy," the Democrat running against two-term incumbent Rep. Jim Gerlach in the Philadelphia-area district.

"Basically, they go on to slam Lois," said Jacobson, who has filed a complaint with the FCC because the source of the call isn't immediately known.

FCC rules say all prerecorded messages must "at the beginning of the message, state clearly the identity of the business, individual, or other entity that is responsible for initiating the call." During or after the message, they must give the telephone number of the caller.

"The way they're sent is deceptive. The number of calls is harassing. The way her stances are presented in these stories is deliberately misleading and deceptive," said Karlyn Messinger, another Murphy supporter from Penn Valley, Pa., who filed a complaint with the FCC.

NRCC spokesman Ed Patru denied any illegal intent.

"All of our political calls are in compliance with the law," Patru said.

Not so, said the Democrats.

"They are violating the regulations that were set up," said Jen Psaki, a spokeswoman for the Democratic Congressional Campaign Committee, who said the DCCC employed one robocall this cycle and paid \$500 for it.

"I think the real point here is that the Republicans are using a desperate campaign tactic that is misleading, at worst violating the law and at best is a page out of Karl Rove's playbook," Psaki said. "They clearly are attempting to mislead voters."

Democrats argued that that's the strategy.

"Because they are getting so many, they are only listening to the first part of the message," said Amy Bonitatibus, a Murphy spokeswoman. "They're hoping to turn off our base. ... These are pretty much dirty tricks by the Republican Party."

The NRCC, the GOP campaign arm for House candidates, has spent \$2.1 million on such automated calls nationwide. In Illinois, at least three versions of a phone message target Tammy Duckworth, the Democrat in a tight Chicago-area race, and her positions on taxes, Social Security and immigrants.

"Illinois families will be footing the bill for illegal immigrants who get government benefits," the voice says in one.

In Connecticut's hotly contested 4th Congressional District, incumbent Republican Rep. Christopher Shays and Democrat Diane Farrell both said they are victims of misleading and annoying robocall campaigns. Shays, a 10-term congressman, said he has survived more than 20 robocall campaigns, including one that tried to link his stance on stem-cell research to that of religious extremists.

"These calls are at best misleading, and often blatantly wrong," Shays wrote in a letter to several newspaper publishers this summer.

Farrell spokeswoman Jan Ellen Spiegel said Tuesday the campaign has been a victim of "constant pummeling," including robocalls that begin with a recorded voice saying, "I'd like to talk with you about Diane Farrell." It's the same tactic employed in Murphy's district and elsewhere.

In North Carolina's 11th Congressional District, Republicans are going after challenger Heath Shuler, whose campaign said the calls are coming as late as 2:30 a.m.

"Calling people up, making people think it's me when it's actually them - it's acts of desperation. ... I think it's part of the corruption in Washington," Shuler said.

That campaign funded two robocalls during the primary but isn't looking to use any more.

"You can't combat a bad robocall message with another robocall message," said Shuler spokesman Andrew Whalen.

It's not just the campaign committees. Outside groups also are joining the fracas. Common Sense, a nonprofit group based in Ohio, has expanded to four other states to help conservative candidates this cycle.

"We can ask the voter or the respondent questions about things that are important to them and then provide information to them based on the things they think are important," said Common Sense's Zeke Swift, who calls the efforts "custom campaigning."

During one call in Maryland, an automated voice asked questions that clearly favor Republican Michael Steele's bid for Senate.

It's not just Republicans. After Rep. Mark Foley resigned his seat amid the House page scandal, the progressive American Family Voices launched robocalls in 50 districts.

"Congressional Republican leaders, including Speaker Dennis Hastert, covered up for a child sexual predator. ... The answer is arrests, resignations and a new congressional leadership," the call told voters.

That Florida district, once a safe Republican seat, is now in play.

THE WALL STREET JOURNAL

November 3, 2007

"The Wall Street Journal's Washington Wire reports that House Democrats say 'Republican operatives send automated middle-of-the-night phone calls naming Democratic candidates to alienate voters in Pennsylvania, Connecticut and California. House Republican spokesman Carl Forti dismisses the claim as 'totally baseless,' saying the party places no calls after 8 pm."

Daily Herald
Big Picture . Local Focus

"They have your number: Automated campaign calls just keep coming"

By Stacy St. Clair
Daily Herald Staff Writer
Posted Sunday, November 05, 2006

Joan Sherrill had not decided how to vote in the 8th Congressional race until she received more than a dozen phone calls from Republican David McSweeney.

At that point, the choice was clear.

"I am voting for (Democrat) Melissa Bean," the Palatine woman said. "The calls are just too much. They're annoying."

Sherrill's reaction to the automated phone calls - a popular political practice known as robocalling - is the risk candidates take when they employ the inexpensive and seemingly effective marketing tool.

In at least 53 competitive congressional races, the National Republican Campaign Committee has launched hundreds of thousands of automated telephone calls. The GOP's target areas include the Illinois 6th and 8th districts, where suburban voters will play a critical part in deciding which party controls the House of Representatives.

In the past week, the committee spent \$10,000 on robocalls for McSweeney and \$9,000 to help state Sen. Peter Roskam, who's in a tough fight against Iraq war veteran Tammy Duckworth.

A GOP spokesman would not comment on how many calls were being made for either candidate. Each call, however, costs about a nickel, meaning roughly 200,000 voters could be reached by phone in the McSweeney-Bean race.

"Every modern campaign uses phone calls as part of their campaign strategy," committee spokesman Jonathan Collegio said.

It's not just campaign committees directing these calls. Outside groups, such as unions and nonprofits, are using robocalls. The Chicago Federation of Labor, for example, left messages Friday encouraging people to vote for their endorsed candidates, including Democrat Todd Stroger for Cook County Board president.

The calls work, in part, because they can reach specific groups. Seniors, single women, absentee voters and the party faithful all can receive messages specifically tailored for them.

"It's cheap and inexpensive to make phone calls," said Bruce Newman, a marketing professor at DePaul University. "The trick is to keep them on the phone."

The Republican campaign committee attempts this by placing calls between 9 a.m. and 8 p.m., when it believes the calls will be less intrusive. That strategy, however, has sparked several complaints to the FCC and to the candidates themselves.

Antioch resident Meghan Marabella grew so tired of being contacted by the Republican Party, she called the campaign committee last week and asked to be taken off their calling list. She explained how the calls were coming to her cellular phone and eating up precious usage minutes, but she received no relief.

The calls continue to come.

"It's so annoying," Marabella said. "Even more annoying is that it's computerized, so there's no one to complain to when you get the call."

At Sherrill's Palatine home, the Republican calls came religiously each day during her infant son's naptime. She called the campaign committee and McSweeney's campaign headquarters to ask them to stop.

When that didn't work, she sent an e-mail to McSweeney to inform him he had lost her previously undecided vote. She copied several friends on the note.

"If you can't take care of a simple problem like this," she wrote, "how am I to assume you can get anything done in Congress?"

Collegio said anyone who asks to be taken off the calling list is removed immediately. He could not say why voters like Sherrill and Marabella continued to receive calls weeks after asking for their name to be deleted from the database.

Some people who have put their numbers on the federal no-call list may think they shouldn't be getting political calls. But such calls are exempt from the list.

Bean's campaign has complained about the GOP calls - which begin "Hello, I'm calling with information about Melissa Bean" - because they contend it misleads voters about which campaign is initiating the contact. Many voters assume it's Bean's camp and have vented their anger toward her.

"It's not just telemarketing," Bean spokesman Brian Herman said. "It's a voter suppression effort."

The Republicans defend their efforts, saying robocalls are a common tool in the political arena.

"Phone banks are used in almost every campaign," Collegio said. "To call them a voter-suppression effort is borderline libelous."

Bean's campaign made one round of robocalls since the primary, Herman said. Her automated calls informed recipients of early voting options and encouraged their participation.

However, Bean - a freshman congresswoman who is considered a top Republican target in this election - drew sharp criticism last year when she made government-financed robocalls to her constituents, which is allowed for members of Congress. The calls notified 8th District residents of upcoming town hall meetings and workshops, among other things.

Collegio said those calls were much more offensive than the GOP's current efforts.

"Melissa Bean shamelessly bilked Illinois taxpayers for thousands of dollars of automated phone calls, and now she has the gall to criticize the GOP for privately funded phone banking during the campaign season."

The derision caused by robocalls made Bill Scheurer, a third-party candidate in the 8th District, think twice before launching a telephone campaign last week. In the end, he decided it was the best way to reach people in his district.

His 15-second message - recorded by his wife, Randi - went out twice last week. He'll send out another round Monday, giving him a chance to put his message in front of the voters three times in the week leading up to the election.

It's invaluable exposure, given Scheurer doesn't have the money for television commercials or multiple mailings.

"It's a last resort," he said. "It's a poor man's post card."